

JUL 03 2006

Atty Dkt. No.: YAMA-009
USSN: 10/759,788**REMARKS**

In view of the following remarks, the Examiner is requested to allow Claims 1-8, 10, 11, 13, 14 and 16-20, the only claims pending and under examination in this application following entry of the above amendment.

Claims 1, 4, 10, 11, 13, 14, 16, 17 and 20 have been amended. Claim 1 has been amended to include: a water soluble macromolecule nutrient, a water soluble micromolecule nutrient and a vitamin/cofactor component. Claim 4 has been amended to include the pesticide farmaneb. Claims 10, 11, 13, 14, 16 and 17 have been amended to change their dependencies. Claim 20 has been amended to spell out the recited abbreviations. Support for these amendments may be found throughout the specification and claims as originally filed. For instance, support for the amendments to Claim 1 may be found in original Claims 9, 12 and 15 as well as paragraphs [0039], [0049] and [0059]. Support for the amendment to Claim 4 may be found at paragraph [0023]. Support for the amendments to Claim 20 may be found at paragraph [0075] and [0073]. Claims 9, 12 and 15 have been cancelled. Accordingly, no new matter has been added.

As no new matter has been added by way of this amendment, entry thereof by the Examiner is respectfully requested.

Claim Rejections - 35 U.S.C. § 112, second paragraph

Claims 4 and 20 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claims 4 and 20 have been rejected for use of abbreviations. Accordingly, Claims 4 and 20 have been amended to spell out the referenced abbreviations.

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Additionally, Claim 20 has been rejected for misspelling the term "lignosulfonate." The appropriate correction has been made. Accordingly, the Applicant contends that in view of the amendments to Claims 4 and 20 this rejection has been rendered moot. This rejection may therefore be withdrawn.

Claim Rejections - 35 U.S.C. § 102

Claims 1 to 20 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Yamashita (6,336,772).

According to the MPEP, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Additionally, the identical invention must be shown in as complete detail as is contained in the claim. See MPEP 2131.

Claim 1 is directed to a pesticide composition. An element of the composition of Claim 1 is a pesticide.

The Office asserts that Yamashita '772 anticipates Claim 1 and the claims dependent thereon. The Office acknowledges that the formulation disclosed in Yamashita '772 does not include a pesticide, however, the Office asserts that pesticides are disclosed at Example 4.

The Applicant contends that nowhere does Yamashita '772 teach a composition that includes a pesticide. Example 4 does not teach a pesticide in a composition. Instead, Example 4 discloses the treatment of soil that has previously been exposed to a variety of pesticides by the composition of Table I. As can be seen with reference to Table I (columns 5 and 6), the composition disclosed therein does not include a pesticide. Accordingly, because Yamashita '772 does not teach a composition that includes a pesticide it does not teach every element of Claim 1. The Applicant therefore

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contends that Yamashita '772 does not anticipate Claim 1, or the claims dependent thereon, and respectfully request the 35 U.S.C. § 102(b) rejection of Claims 1 to 20 be withdrawn.

Claims 1-9, 11, 12 and 18 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Amburn (3,161,497).

Claim 1 is directed to a pesticide composition. Elements of the composition of Claim 1 as amended include a water soluble macromolecule nutrient, a water soluble micromolecule nutrient and a vitamin/cofactor component.

The Office acknowledges that Amburn does not disclose the use of a vitamin co-factor because Claim 15 has not been rejected in view of Amburn. Accordingly, because Claim 1 has been amended to include the vitamin/cofactor component recited in Claim 15, and this component is not disclosed in Amburn, then amended Claim 1 is novel over Amburn. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

Claims 1-6, 8, 9, 11, 12, 14 and 18-20 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Klopping (3,789,122).

As stated above, Claim 1 is directed to a pesticide composition. Elements of the composition of Claim 1 as amended include a water soluble macromolecule nutrient, a water soluble micromolecule nutrient and a vitamin/cofactor component.

The Office acknowledges that Klopping does not disclose the use of a vitamin co-factor because Claim 15 has not been rejected in view of Klopping. Accordingly, because Claim 1 has been amended to include the vitamin/cofactor component recited in Claim 15, and this component is not disclosed in Klopping, then amended Claim 1 is

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novel over Klopping. The Applicant, therefore, respectfully requests that the 35 U.S.C. § 102(b) rejection of Claims 1-6, 8, 9, 11, 12, 14 and 18-20 be withdrawn.

Claims 1-6, 8, 9, 11 and 18-20 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Wommack (4,018,926).

As stated above, Claim 1 is directed to a pesticide composition. Elements of the composition of Claim 1 as amended include a water soluble macromolecule nutrient, a water soluble micromolecule nutrient and a vitamin/cofactor component.

The Office acknowledges that Wommack does not disclose the use of a vitamin co-factor because Claim 15 has not been rejected in view of Wommack. Accordingly, because Claim 1 has been amended to include the vitamin/cofactor component recited in Claim 15, and this component is not disclosed in Wommack, then amended Claim 1 is novel over Wommack. The Applicant, therefore, respectfully requests that the 35 U.S.C. § 102(b) rejection of Claims 1-6, 8, 9, 11 and 18-20 be withdrawn.

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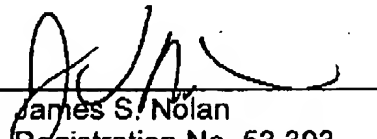
CONCLUSION

The Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

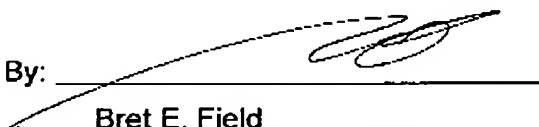
The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number YAMA-009.

Respectfully submitted,
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Date: July 3, 2006

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